

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ONDREZ DE'CARLOS DOMONECK,

§

Petitioner,

§§

versus

CIVIL ACTION NO. 1:22-CV-480

SHERIFF, JEFFERSON COUNTY,

§

Respondent.

§

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, Ondrez De'Carlos Domoneck, a pre-trail detainee currently confined at the Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court has received and considered the Report and Recommendation of the magistrate judge filed pursuant to such order, along with the record, and pleadings (#6). Petitioner filed objections to the Report and Recommendation (#7). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

The magistrate judge recommended the case be dismissed for failure to exhaust administrative remedies as there was no indication Petitioner sought pre-trial relief through a petition for writ of mandamus in the Texas Court of Criminal Appeals relating to his speedy trial claim. In his objections, Petitioner states he was unaware of the exhaustion requirement, but then complains he has been denied access to courts by officials at the Jefferson County Correctional Facility. The information Petitioner outlines in his objections, however, do not support a theory of denial of access to courts. Furthermore, any such claim is inconsistent with the fact that

Petitioner has been able to file this habeas petition in federal court. The dismissal in this case is without prejudice to the right of Petitioner to exhaust his administrative remedies with the Texas Court of Criminal Appeals.

ORDER

Accordingly, plaintiff's Objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge are **ADOPTED**. A Final Judgment will be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 11th day of April, 2023.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE